

AMENDED IN ASSEMBLY APRIL 19, 2005

AMENDED IN ASSEMBLY APRIL 6, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 899

Introduced by Assembly Member Ridley-Thomas

February 18, 2005

An act to add Section 12303.45 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 899, as amended, Ridley-Thomas. In-home supportive services.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, a contract between the county and a nonprofit consortium, or the creation by the county of a public authority. Existing law defines “supportive services” for purposes of the program, and establishes a the maximum monthly amount of services an eligible person may receive.

This bill, notwithstanding existing law, would authorize a service provider to receive wages for up to 6 hours of prescribed instruction *per calendar year*, approved by the department and pursuant to a collective bargaining agreement if it qualifies for the maximum federal participation.

This bill would require the Secretary of California Health and Human Services to actively pursue available federal funding for training authorized by the bill. The bill would prohibit the training authorized under the bill from counting against assessed hours for a recipient of in-home supportive services.

By increasing the duties of counties administering the IHSS program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12303.45 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 12303.45. (a) Notwithstanding any provision of law to the
- 4 contrary, a provider of in-home supportive services may receive
- 5 wages for up to six hours of instruction *per calendar year* if all of
- 6 the following conditions are met:
- 7 (1) The instruction is provided under the supervision of a
- 8 registered nurse, a licensed vocational nurse, ~~or~~ a certified nurse
- 9 assistant, *or a professional social worker*.
- 10 (2) The instruction meets all of the following criteria:
- 11 (A) It is bargained for between the representatives of the
- 12 service providers and the employer of record.
- 13 (B) It is approved by the State Department of Social Services.
- 14 (C) It qualifies for the maximum federal participation.
- 15 (b) The instruction set forth in subdivision (a) shall be
- 16 provided in any of the following fields:
- 17 (1) Basic safety and emergency procedures.
- 18 (2) Personal care skills and assisting with activities of daily
- 19 living.

1 (3) Promoting the independence and respecting the rights of
2 consumers.

3 (4) Communication and interpersonal skills.

4 (5) Basic infection prevention and control procedures.

5 (6) Elder abuse identification.

6 (7) Recognition of the symptoms of ~~Alzheimer's disease~~
7 *dementia*.

8 (c) The training shall be eligible for state financial
9 participation only to the extent that funds have been appropriated
10 in the annual Budget Act or other statute to provide this training
11 for in-home supportive service providers.

12 (d) *The Secretary of California Health and Human Services*
13 *shall actively pursue the use of all federal funds that may be*
14 *available for training, in accordance with subdivision (c),*
15 *including, but not limited to, the New Freedom Initiative, the*
16 *Department of Labor Employment and Training Administration,*
17 *United States Department of Health and Human Services*
18 *discretionary funds, and any other appropriate source.*

19 (e) *Training hours authorized under this section shall not be*
20 *counted against assessed hours for a recipient of services under*
21 *this chapter.*

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.